# SOME ASPECTS OF SLAVERY IN MITHILĀ IN THE 17th—19th CENTURIES

*(Based mainly on Maithilī documents)*

*By*

*Dr. Upendra Thakur*

Slavery has been one of the oldest social evils of the Maithila society. The entire Buddhist and Jaina literature contains specific instances of this erstwhile established institution. Right from Kauṭilya down to Vidyāpati our Sanskrit literature is full of references to the existence of this system.

From various accounts we learn that this evil infested the Maithila society in all its nakedness. The slaves had nothing of their own. They were completely at the mercy of their owners who disposed of them as they pleased, like so many commodities. Sometimes the question of actual ownership of slaves involved title-suits and one such case was actually fought and judgement given in conformity with the ancient Indian legal texts by the judges of Mithilā. This judgement is one of the few rare documents of history whose import has been discussed in the following pages.

From the various kinds of state-papers, judgements, grant-deeds, slave-deeds and contracts we learn that slavery was a deep-rooted institution in the Mediaeval age as well as in the 19th and the early part of the twentieth century in Mithilā. These documents record the sale, gift, and emancipation of the slaves or servants. They are unique in the sense that we hardly come across such elaborate documents relating to slavery in any other part of the world.

We have various kinds of such service-documents available. Of these the commonest ones are the *Bahīkhātās*, the sale or purchase-deeds of servants, the deeds of emancipation, called in certain circumstances *Gaurīva-vā-(ca) ṭikā-patras* and *Ajātapatras* or *Cāṭilds*.[1] They are executed in set forms. Some of them are in pure Sanskrit and some are in mixed Sanskrit and Maithilī (i.e. bilingual documents). Some are in the nature of an agreement form signed duly by the parties concerned. There are others in the shape of letters addressed by one party to the other. In several of these documents we have a clear reference to the fact that these deeds were prepared by a third man, invariably a kāyastha (clerk?) for which he was given a fixed sum as remuneration, probably by the State.

The Sanskrit documents of this class are the most elaborate and formal ones, giving various legal and religious details so as to make them appear

[1] *HML*, I., p. 381.

as duly executed deeds.[2] In later times, however, these documents were executed on stamped papers in strict conformity with the laws of the land. We have in them, firstly, the date in L. S., Śāke or Śaka, Vikrama Saṁvat and Fasli San.; secondly, the ruling authorities right from the Moghul Emperor, the titular head of the Indian Empire, or the East India Company or their Agents, to the ruling sovereign of Mithilā; thirdly, the names of persons purchasing, transferring or emancipating a slave; fourthly, the caste, age, price and the distinguishing marks on the body of the slave; fifthly, the conditions governing the durability of the deed and the obedience of the slave; and finally the signature and consent of the parties concerned and their witnesses.[3]

The *Gaurīva-cāṭikas* are the earliest dated Vernacular deeds (in Maithili) of this kind, extant so far. They were first brought to light by the late Mm. Dr. Gaṅgānātha Jhā in a note[4] on a Sanskrit judgement of Mm. Sacala Miśra. The judgement was delivered in a Maithila Hindu Court[5] i.e. in the court of Rājā Mādhava Siṁha of the Khaṇḍavalā dynasty of Mithilā.[6] The judgement decides possession of two rival Brāhmaṇa families in Mithilā over a slave-girl. Dr. Jhā explained the term *Gaurīva-cāṭika* as referring to slavery or service. The term, however, seems to have applied *"to the act of emancipating"* the daughter of one's *Bahiā* (servant) when she was married.[7]

The first *Gaurīva-cāṭika* referred to by Dr. Jhā is in mixed Sanskrit and Maithilī, and is dated 1537 Śāke or 1615 A.D. "As regards the subject-matter of the document it is interesting to note that the deed is drawn in favour of the father-in-law of the girl concerned, and as such would appear to be more in the nature of a deed of emancipation than of sale. The executor of the deed talks of having *'given away'*—*'not sold'* the girl."[8]

[2] Cf. Viṣṇulāl Śāstrī's discoveries dated 528 and 549 L. S. (Vide-*JBORS*, June, 1921). Some of these documents are preserved in the Raj Library, Darbhanga, and some in Dr. Jayakant Mishra's possession, already noticed in his *History of Maithilī Literature*, Vol. I (abbreviated as *HML.*).

[3] Cf *JBORS*. VII, pts. ii-iii, pp. 123-24: "स्वस्ति ।। लसं ५२८ श्रावण शुक्ल पष्ठ्यां शुक्रे श्रीमहथादेवी श्रीकमलनयनमिश्रौ श्रीउमापतिशर्मसु गौरीववाटिकापत्रमर्पयतः; . . . . भवत्सकाशादावाभ्यां मुद्राद्वयं गृहीत्वा भवद्दास विश्वम्भरपत्नी मद्दासबालकपुत्री गाङ्गीनाम्नी भवत्स्वत्वमारोपिता अतः परं तस्या अस्माकं स्वत्वं नास्ति अत्रार्थेसाक्षिणः श्रीरामकृष्णशर्म तथा श्रीनंदीशर्म तथा श्रीचतुर्भुजशर्माणः लिखितमुभयानुमत्या श्रीरूचिदेवेनेति साक्ष्यमत्र श्रीमहीपतेः । . . महथा देवी क सम्मति, सही कमलनयनक ।

[4] *JBORS*. VII, pts. ii-iii (1921), p. 122.

[5] Vide—K. P. Jayaswal's paper on a Judgement of Hindu Court in Sanskrit (*JBORS*. Vol. VI, 1920, pt. ii, June); also see *CWN*. CXLIX. 24.

[6] See the author's forthcoming publication, *History of Mithilā*. Vol. II. Chap. III. (The Khaṇḍavalā Dynasty)

[7] *HML*. I. 382.

[8] *JBORS*. VII. pts. ii-iii, p. 121: "शाके १३५७ वैशाखशुक्लचतुर्थ्यां शुक्रे श्रीरामभद्रशर्म्मा श्रीकगालदासेपु गौरीवचाटिकापत्रमर्पयति तदत्रेत्यादि (so far in Sanskrit) हमरा बहिआक हराइकबेटी पदुमीनाम्नी गौरवर्णा जे तोहरें बेटाअे बिआहलि से हमे एक टका लए तोहरा देलिआवे ताहि सओ हमरा कओन सम्बन्ध नहिं (so far in Maithili) साक्षित्वमत्र श्रीरामालमिश्र श्रीसिद्धिनाथ झा श्रीमदनन्तमहशयानां लिखिलमिदमुभयानुमतेन श्रीगंगाधरशर्म्मणेति श्री रामभद्रस्य (so far again in Sanskrit).

Thus this document records that "fair complexioned Padumī (daughter of Harāi, slave of Rāmabhadra) married to Śrīkṛṣṇa was let off on payment of Rc. 1/- only and the witnesses also signed the document."[9] In other words, it relates to the act of emancipating the daughter of one's *bahiā* (servant) when she was married to some one else, usually after taking one rupee from the girl's father-in-law. The interesting point to note is that the moment the owner receives his sum, he has no control over his slave.

Dr. Jayaswal has also referred to two such *Gaurīva-vāṭikā-patras* which are dated in La. Saṁ. 528[10] (1647 A.D.) and 549 (1668 A.D.).[11] Both these documents are deeds of transfer of slave-girls. The slave-girl in each case was bought evidently to be married to the slave of the purchaser. The document is drawn by the old master in favour of the new one, giving up all his right, title and interest in the slave. These two documents and the one given by Dr. Jhā show that the slave-girl had been a virgin at the time of the transfer. A slave-girl, however, became free (according to Aparārka) when she was married to the master. Here, in one case we find her being married to the son of the master. Thus, these *Gaurīva-vāṭikās* continued to be executed till at least the days of Mm. Sacala Miśra (c. 1794 A.D.) for people could claim the right of granting *Gaurīva-vāṭikā-patras* to the daughters of their slaves in his days as is clear from his judgement.[12]

These documents are invariably called *Gaurīva-vāṭikā*. The significance of this term is not yet clear. Nothing definite, therefore, can be said in the present state of our knowledge, though this much is clear that it technically refers to slavery. The use of the term *Deśa-vyavahāra*[13] indicates that the institution of slavery had been well established in this country since times immemorial.

Let us here refer to the judgement of Mm. Sacala Miśra[14] in brief, for it is the most important document relating to the institution of slavery in Mithilā. This judgement, as we have already noted above, relates to a case arising out of the question of ownership of the slaves in Śaka 1716 (1794 A.D.), i.e. 29 years after the grant of Dīwānī in 1765 A.D. The fact of the case in brief is as follows :

Tulārām, the plaintiff, claimed that Maṇinātha should restore him his domestic slave-girl of the name of Saito, daughter of the plaintiff's slave Mati. Tulārām failed to prove his claim and the Judge Mm. Sacala Miśra delivered his judgement in favour of Maṇinātha who put forward evidences, proving possession well over hundred years, as required by law in respect of his proprietory right over the slave-girl.

[9] *Ibid*, 121-22.
[10] The document dated 528 L.S. has already been reproduced above.
[11] The document is dated L.S. 549 (Maithilī) vide-*JBORS*. VII., pts. ii-iii, pp. 123-24.
[12] *JBORS*. VI., pt. ii (vide Sacala Miśra's judgement). Also cf. the story relating to a slave girl of Hindu clerk and dispute over her possession between the owner and a Muslim in the time of Shah Jahan (Manucci's *Storia do Mogor* Trans. by W. Irvine, Vol. I.p. 203) The accounts of foreign travellers in the Moghul period are full of such references.
[13] cf. *History of Mithilā*. Vol. II. Chap. III (unpublished).
[14] cf. Supra, fn. 12.

Now, the fact that a title-suit was fought over the issue of the possession of a slave-girl shows how deep-rooted the system was. This judgement is quite in keeping with the traditions of the ancient legal texts, and can be compared with any one of them. The Judge has quoted from the famous Digest-writers and law-givers of Mithilā, e.g. Misaru Miśra, Harinātha Upādhyāya and others. Subtle arguments on the issues of slave and slave-trade have been discussed and decided. The present judgement shows how the actual administration in this respect was carried out in accordance with the law of the land.

Another kind of such documents was the *Bahīkhātās* or the slave-sale deeds. It was a sort of contract to serve in return for some money which bound the servant to one master alone. Most of these deeds are in pure Sanskrit. The earliest extant *Bahīkhātā* is dated as far back as 509 L.S., i.e. 1627/28 A.D.[15] in the reign of the Moghul Emperor Shah Jahan. Other extant documents of this class are dated 1746, 1755, 1812/13, 1820, 1836 and 1838 A.D.[16] Documents of this nature in Maithilī are rare. They are, however, in the nature of gift or transfer of slaves from one master to another. We have a deed dated 1177 Faslī, i.e. 1770 A.D. It speaks of Mahārāja Pratāpa Siṁha of the Khaṇḍavalā dynasty transferring two slaves to one Rucipati Jhā.[17] Another document of this nature dated 1218 Faslī, i.e., 1811 A.D. grants the services of the son of one Ratneśvara to one Jayadatta Jhā.[18]

The third kind of the deeds of emancipation is known as *Ajātapatras*.[19] Accordingly, the slaves were emancipated after taking their price as fixed. The practice continued in a more rampant form in the succeeding ages.

The fourth kind of the known deeds are *Akarārapatras*. From the nature of this kind of deeds it appears that from the beginning of the nineteenth century or mid-nineteenth century slave-sale began to be looked upon with disfavour by the court of law. Besides selling and purchasing slaves, the tendency to enter into partial contracts or service-contracts seems to

---

[15] The document reads as follows: "सिद्धिरतु परमभट्टारकेत्यादि राजावलीपूर्वंके लक्ष्मणसेनदेवीयगतनवाधिक .... ल० सं० ५०६ ... परमभट्टारकाश्वपति गजपति नरपति राजत्रयाधिपति सुरत्राणशासत् साहजहां सम्मानित नश्रोवाब हकीकतिखाण-सम्भुज्यमान तीरभुक्त्यन्तरित तीसाठतया .... श्रीप्रद्युम्नमहाशया दासी क्रयणार्थं .... धन ऐहकोप्येतत् सकाशात्तु लियास— .... स्वदेशितद्वादशवर्षवयस्कां सुकुमारी नाम्नीं दासीं विक्रीतवान् .... (Quoted, *HML.* I. 385).

This document is very important as it shows that even during the time of the Moghul Emperors the Hindu Court in Mithilā maintained its independent existence and delivered judgement on traditional line in Sanskrit, which continued till the days of Sacala Miśra in 1794 A.D.

[16] *HML.* I. 385, fn. 8.9 & 10.

[17] Quoted, *Ibid.* I. 386.

[18] *Ibid*, 386.

[19] The above *Ajātapatra* dated 1235 Faslī, i.e. 1828 A.D. reads as follows: "स्वस्ति अजातपत्रमिदे। श्रीबाबूनाथमिश्रक ओ श्रीमुनिमिश्रक ओ श्रीअनाथीमिश्रक श्रीहलमना बहिआ कें आशीष। आगां तोहरो माइक तोहरा बहिनिक तोहर तीनू प्राणी क मोल रुपैआ १६ से सोढ़ो रुपैआ भरि पाओल तोहरा तीनू प्राणीक अजातपत्र लिखि देल ...." (Quoted, *Ibid*, I. 387).

have found favour with the people. They are known as *Akarārapatras* or *Janaudhīs* or *Janauṭī* or *Janauḍi*. They differ from the *Bahīkhātās* in that they do not "bind the servant to the master in every respect. He remains free to choose his way of life as he pleases so long as he accepts the conditions of the *Akarārapatras* and the *Janauḍhīs*."[20] These documents were generally executed by potters, washermen, and labourers in the field in favour of one or many persons. Compared to the *Akarārapatras*, the *Janauḍhīs* show a slighter change in form. The latter are the "agreements of service". The *Jana* or 'labourer' agreed to serve a particular person, and no other persons, in lieu of some payment. From the nature of this document it is obvious that there was a clear distinction between the slave (*bahiā*) on the one hand and this kind of labourers on the other. The latter had to be paid regular wages in return for his conditional services. The former, however, was bound to serve the master without any regular wages, though he was always treated as a member of the family and was provided with all the necessities of life by his owner.

We have several documents of this kind dated 1819, 1851, 1857, 1859 A.D. etc. In these documents the labourer sometimes agrees to serve as a "labourer" twice a month; sometimes for half day per month and often once in a month only.[21] The last mentioned document shows that the labourer was under the control of the person from whom he took a *Janauḍhī* though he served him only for a limited period and for regular wages.

The fifth kind of this document is known as *Nistārapatra*. This was a sort of contract for payment of debts and for their remittance (*nistārapatra*). Sometimes a person promised to make his wife the slave maid-servant if he could not pay the amount back by a certain date.[22] Very often persons promised to pay fines and grind some corn if they allowed their cattle to graze in the fields of any one or cut away the fodder from the fields.[23]

From the nature of these deeds it is clear that this practice was widely current in the Muslim period[24] and after[25] and enjoyed full protection of the law of the land. The only marked difference was that while in the preceding ages the Caṇḍālas and the downtrodden Śūdras were the victims of slavery, in the period under review even the Dhānukas (civilised

---

[20] *Ibid*, I. 387-88. In this *Akarārapatra* the potters undertake to do all the repairs and general upkeep of the well of one Kapiladatta Miśra. For a similar deed executed by a washerman see *Ibid*, I. 388.

[21] This *Janauḍhī* has been quoted—*Ibid*.

[22] The above document was executed by one Lakṣmaṇa, dated 1270 Faslī, i.e. 1863 A. D.

[23] This document is dated 1199 Faslī, or 1792 A.D. (*Ibid*. I. 390).

[24] Slavery was an established system also in the Muslim society. Sale and purchase of slaves was a common usage. The farms and palaces of the Muslim kings abounded with such slaves. The records of the Muslim historians are full of such documents as need no elaboration. cf. the documents regarding the sale of a female slave for Rs. 14/- by Shaikh Badloo of village Nagar Nuhsa, Paraganah Shah Jahanpur, Bihar, promising to Shaikh Abul Muali, dated 4th year of reign or 1116 Faslī (vide-*Report of the Regional Records Survey Committee*, Bihar, 1949-50, p. 4).

[25] Slavery also existed in Bengal in its naked form in the 18th, 19th and early 20th centuries (vide *BPP*. LXIX, 1950, pp. 46-50).

śūdras who were invariably employed as domestic servants) came to be ranked with them by the law-givers of the land.

It will thus be seen that the real status of a slave (called *bahiā* in several deeds) is clear from the documents quoted above. They were attached to the master and they had nothing of their own. As we know from the contemporary social relationship existing between different classes of people, the slave had no social standing whatever. He was given a piece of land and in return he had to dedicate his life to the service of his master. The modesty of the slave-girl depended more or less on the good-will of the slave-owners. These slaves were responsible for the tilling of the land, sowing the seeds and reaping the harvest for their masters. Moreover, they had to look to the comforts of their owners. It was because of this attachment to their masters that there arose the necessity of registering their sale or purchase in the presence of a number of witnesses in addition to the title suits of which we have already quoted one instance above.

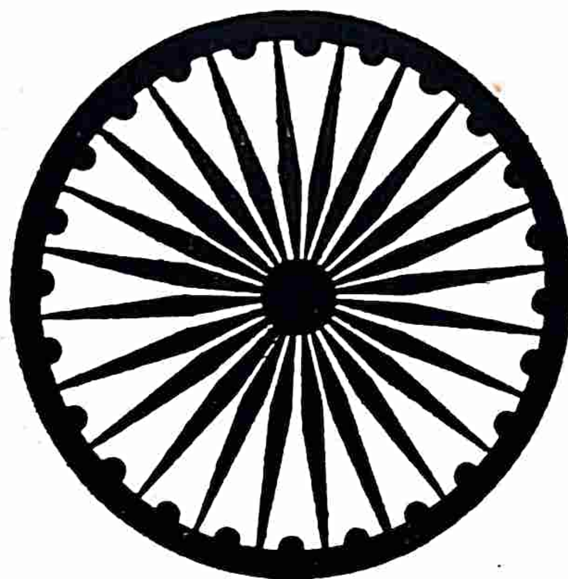
From these evidences, one thing is clear that the institution was one of vital importance in the economic set-up of the age when the slaves produced and others enjoyed the all round comforts of life. We have no documentary evidences to show whether there was any strong opposition to this long standing practice or not. We have, however, a sole instance of a Kurmī *Khawās* (servant) of the Mahārājādhirāja of Darbhanga, rising in revolt and subsequently assuming independence in the Dharampur paraganā of the Saharsa-Purnea district. The lack of smooth communications was probably one of the most potent factors which might have emboldened Bīrū Kurmī (who was also an officer of the said Paraganā) to assert his authority in that far-off area. Whatever be the real cause, the fact remains that he raised his head against the sovereign authority, and succeeded in resisting it for a while. When commanded by Rājā Rāghava Siṃha[26] to be present in his court Bīrū Kurmī replied in the negative.[27] He was, however, soon defeated and crushed. The actual nature of this revolt or assertion of power is not known. There might have been many more instances of such occasional protests on the part of the slaves but unfortunately we have no record of it. All that we can say in our present state of knowledge is that the system continued to operate till the second decade of the 20th century.[28] Though no such laws exist now, the institution, however, partially operates in practice and its dying vestiges can yet be seen in the remote villages of Mithilā of date.

[26] *History of Mithilā*, Vol. II. Chap. III (unpublished).
[27] *Ibid.*, cf. the following verse, "वीरु से वीरशाह भयऊं . . . . सखै रघुबीर ॥"
[28] Also see A. Banerjee-Sastri's paper, "XVIII Century Sale of Serfs in Mithilā" in *JBORS*, Vol. XXVII.

# THE JOURNAL
## OF THE
# BIHAR RESEARCH SOCIETY

VOL. XLIV MARCH—JUNE, 1958 PARTS I & II





*PUBLISHED BY*
THE BIHAR RESEARCH SOCIETY, PATNA
**Price Rs. 10/-**